

REMARKS

The allowance of claims 6 and 13-29 is acknowledged. So also is the allowable subject matter in claim 8. However, claim 8 has not been rewritten in independent form because it depends from claim 7 which has now been amended to be in condition for allowance. Specifically, claim 7 was indicated to be allowable in the first Office Action. However, when rewriting claim 7 in independent form in the previously submitted amendment, the undersigned inadvertently omitted the recitation of claim 5 which was in the chain of dependency of claim 7. Claim 7 has thus been amended herein in the manner requested by the Examiner in the first Office Action, and is thus in condition for allowance. The undersigned apologizes for the mistake in the amended claim 7 previously submitted.

The Examiner has refused to examine claims 1-5 and 9-12 on the merits based on the belief that the original disclosure does not teach a conductive mast and a conductive block. However, while the word "conductive" is not used in the specification to describe that property of mast 12 and block 15, such is inherent as demonstrated by the Affidavit of the inventor submitted herewith. When a property of an element is inherent, a new matter rejection is not proper. MPEP § 2163.07(a).

Specifically, as one skilled in the art would understand, the antenna 10 of the present invention would not work unless the mast 12 and the block 15 were conductive. The coil 13 is in the mast 12 and the coil 13 and the rods 40 work together as shown in Table I. They could not work together in the manner described to function as one unless the mast and antenna block conductively connected them.

Claim 1, therefore, as amended, does not add new matter and is allowable for the reasons discussed in the previously submitted amendment. If the Examiner prefers, Applicant would be willing to describe the mast 12 and block 15 as conductive, and if that be the Examiner's preference, a telephone call to the undersigned would be appreciated.

Entry of this amendment after final rejection is deemed proper in that it places this case (at least claim 7) in condition for allowance and otherwise

completes the record to place this case in better condition for appeal. The issuance of a Notice of Allowance of claims 1-29 is respectfully requested.

Respectfully submitted,


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October 31, 2005